



CONNECTICUT DEPARTMENT OF **CONSUMER PROTECTION**

MICHELLE H. SEAGULL | COMMISSIONER

**STATE OF CONNECTICUT
BEFORE THE COMMISSIONER OF CONSUMER PROTECTION**

CIVIL INVESTIGATIVE DEMAND

TO: JUUL Labs, Inc.
560 20th Street
San Francisco, CA 94107

BY AUTHORITY OF THE STATE OF CONNECTICUT, and more particularly, pursuant to the Connecticut Unfair Trade Practices Act ("CUTPA"), Chapter 735a of the Connecticut General Statutes, and the authority granted the Commissioner of Consumer Protection for the State of Connecticut by virtue of Section 42-110d of the Connecticut General Statutes, **JUUL Labs, Inc.** (the "Respondents"), are hereby commanded to present to the Commissioner, **UNDER OATH**, by delivering to the Department of Consumer Protection, c/o Amor C. Rosario, Assistant Attorney General, Office of the Attorney General, 55 Elm Street, Hartford, CT 06141, on or before **5:00 in the afternoon of September 3, 2019**, answers to Interrogatories and Documentary material in connection with an investigation into the Respondents' delivery into the State of Connecticut or to Connecticut Consumers of certain solicitations, offers, or goods, which may constitute unfair or deceptive acts or practices in violation of the provisions of CUTPA. The Respondents are notified not to destroy, discard, alter in any manner, or transfer from their possession, any Documentary material requested or identified in any of the Respondents responses to the Interrogatories and Document requests herein below.

450 Columbus Boulevard, Suite 901 Hartford, CT 06103 | (860) 713-6100

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DEFINITIONS

This Civil Investigative Demand ("CID") shall be read and interpreted in accordance with the definitions set forth below:

A. "Advertisement" or "Advertise" shall mean and include at a minimum: any written, oral, graphic, or electronic statement, illustration, or depiction that is designed to create interest in the purchasing of, impart information about the attributes of, publicize the availability of, or affect the sale or use of, goods or services, whether the statement appears in a brochure, newspaper, magazine, free standing insert, marketing kit, leaflet, mailer, book insert, letter, catalog, poster, chart, billboard, electronic mail, website or other digital form, Social Media, slide, radio, broadcast television, cable television, streaming media, or commercial or infomercial whether live or recorded.

B. "Agreement" means any written or oral understanding, promise or condition, or any Document containing any such understanding promise or condition, including any amendment or modification thereto.

C. "All" means all or any, and "any" means all or any.

D. "And," "all," or "or" shall be construed either conjunctively or disjunctively to bring within the scope of the request any information that might otherwise be construed to be outside its scope.

E. "Authorized Reseller" means any retailer, dealer, or partner that sells Your products direct to consumers through physical stores and/or other physical locations, as referenced in the JUUL Labs Authorized Reseller Program Policy.

F. "Business relationship" means any agreement to provide products or services.

G. "Communication" means all meetings, conversations, conferences, discussions,

correspondence, emails, text messages, messages, telegrams, telefaxes, mailgrams, and all oral, electronic, and written expressions or other occurrences whereby thoughts, opinions or data are transmitted between two or more individuals.

H. The terms "Concern" and "Concerning" as used herein shall mean relating to, referring to describing, evidencing, or constituting.

I. "Consumer" shall mean and include any Person, who was offered, purchased, obtained, or who used any of Your products or services.

J. "Connecticut Consumer" means any Consumer with an address in Connecticut.

K. "Contact" means any form of communication.

L. "Custodian" shall mean the person(s) who is/are most knowledgeable about the information and Documents requested herein, including:

1. The location and method of record keeping for the Documents responsive to this Request; and
2. The organization of the Documents as they are produced to the Commissioner pursuant to this Request.
3. Respondents' process for identifying Documents responsive to this Request.

The person(s) shall have the ability to authenticate and identify each Document provided by You pursuant to the standard found in Fed. R. Evid. 902(11).

M. "Describe" or "Description" means to state with specificity all facts, including but not limited to time, comprising or pertaining to such fact, thing, condition, action or event, and to identify all individuals involved in such fact, thing, action or event.

N. The term "Documentary material" or "Document" shall mean all written or graphic matter or electronically stored information (ESI), whether in final or draft form,

however produced, or reproduced, of every kind and description in your actual or constructive possession, custody, care or control, including without limitation, all writings, communications, text messages and e-mails, account documents, calendars or planners, charts, reports, diaries, drafts, drawings, faxes, graphs, travel records, memoranda, minutes, notes, papers, photographs, receipts, reports, statements, statistical records, studies, presentations, time sheets or logs, vouchers, weigh tickets, working papers, or any other tangible thing.

This Civil Investigative Demand is intended to cover Documents and ESI in every form or source in which such Documents or ESI exists or in which you possess it, including without limitation computer or electronic files stored on file servers, e-mail servers, work stations, desktops, hard drives, personal digital assistants (PDAs), smartphones (e.g., “Blackberrys”, “IPhones”, “Droids”), tablets (e.g., iPads) and other mobile electronic devices, or other electronic social or industrial/business web-based media (e.g., Facebook®, Twitter®, LinkedIn®) within your control, including personal devices that you have used at any time for work; records, data, reports, and queries derived from or residing in applications and databases, data compilations from which information can be derived, converted or translated into reasonably usable form, magnetic discs, magnetic strips, magnetic tape, recognition characters, microfiche, microfilm, optical characters, punched cards, punched paper tapes, audio tapes or recordings, or video tapes or recordings. Documents and ESI are in your “constructive possession, custody, care or control” if they reside physically or digitally on your premises, and also if they reside at the facilities of or on the servers or other devices of third parties such as “cloud” providers, Document storage facilities, back up sites, and other entities with whom you contract to maintain or house your Documents and ESI.

N. "ENDS" means any electronic nicotine delivery system, which includes but is not limited to the JUUL device, JUUL pods, and any other JUUL product.

O. "Entity" means without limitation any corporation, company, limited liability company or corporation, partnership, limited partnership, association, or other firm or similar body, or any unit, division, agency, department, or similar subdivision thereof.

P. "Identify" means to set forth specific and detailed information, including, in the case of:

1. a communication, its date, type (e.g., telephone conversation or discussion), the place where it occurred, the identity of the person who made the communication, the identity of the person who received the communication, the identity of each other person when it was made, and the subject matter discussed (for e-mail, this information should be supplied in the metadata);
2. a natural person, his or her name, business address, employer, telephone number, and title or position;
3. a person other than a natural person (such as, for example, a firm, association, organization, business, partnership, trust, corporation, or public entity), its name, the address of its principal place of business, telephone number, as well as, if it has a person other than a natural person that ultimately controls it, that other person's name and the address of that person's principal place of business;
4. a Document, the title of the Document, the author, the title or position of the author, the addressee, each recipient, the type of Document, the subject

matter, the date of preparation, and its number of pages.

Q. "Including" means including but not limited to.

R. "JUUL", "You", "Your," or "Your Business" shall mean JUUL Labs, Inc., a Delaware corporation with its principle place of business located in San Francisco, CA, as well as well as any entity under the direct or indirect control of JUUL LABS, INC. by means of membership, ownership, voting or appointment rights or otherwise and any of its predecessors in interest, successors in interest, parent corporations, holding companies, subdivisions, subsidiaries, affiliated entities (including, but not limited to Ploom, Inc. and Pax Labs, Inc.), officers, directors, trustees, partners, agents, representatives, employees, contractors, consultants, and attorneys of the foregoing, or any other Persons associated with or acting on behalf of the foregoing, or acting on behalf of any predecessors, successors, or affiliates of the foregoing.

S. "JUUL Affiliate" means any Person and/or website with an established HTML link to JUUL's website and shall include but not be limited to any Person that JUUL has approved to be part of its JUUL Vapor Affiliate Campaign as described and promoted on JUUL's Website.

T. "JUUL Internet Retailer" shall mean any Person that sells JUUL products or JUUL compatible and/or superficially similar or identical products through an Internet Website regardless of whether JUUL has or has not authorized them to sell such product online.

U. "2015 JUUL Launch" or "Launch" shall mean the advertising and marketing campaign developed and deployed by JUUL or any third parties retained by JUUL to launch, introduce, and release its products in the United States in June and July of 2015 to the end of

the calendar year 2015 including but not limited to the “Vaporized” campaign described in the New York Times August 27, 2018 article entitled, “Did JUUL Lure Teenagers and Get ‘Customers for Life?’”¹

V. “JUUL Party” shall mean the function described in the June 16, 2015 article entitled “We Got #Vaporized: Inside the JUUL Launch Party” appearing on the “Guest of a Guest” Website;²

W. “Offering Materials” means All Documents used to provide information about and/or sell securities. Such Documents may include private placement memoranda, marketing documents targeted to investors, statements of information, financial projections, and any other Document provided to Any current or potential investor.

X. “Person” means any natural person, association, business, company, corporation, firm, organization, partnership, trust, joint venture, licensee, affiliate, subsidiary, proprietorship, agency, board, authority, commission, office or other business or legal entity, whether private or governmental.

Y. “Policies and Procedures” means all formal and/or informal rules, guidelines, guidance, advice, FAQs, scripts, handbooks and/or training materials.

Z. “Product” shall mean any product, good or service that JUUL provides.

AA. “Promotional Pricing Offers” shall mean any promotion in which You offer Your Starter Kit at a discounted price.

BB. “Refer” shall mean to make a statement about, embody, discuss, describe, reflect, identify, deal with, consist of, establish, comprise, list, or in any way pertain, in whole or in part, to the subject of the Document request.

¹ <https://www.nytimes.com/2018/08/27/science/juul-vaping-teen-marketing.html> (last visited June 12, 2019).

² <http://guestofaguest.com/new-york/events/we-got-vaporized-inside-the-juul-launch-party> (last visited June 12, 2019).

CC. “Relating to” or “in relation to” means relating to, referring to, concerning, describing, pertaining to, evidencing, reflecting, regarding, constituting, involving, or touching upon in any way. Each of these terms may be used interchangeably herein and will be treated as encompassing all these meanings.

DD. “Respondent” means JUUL Labs, Inc., or any of its former or present parent, sister, or subsidiary companies as well as all former and present agents, members, employees, officers, principals, successors, assigns, or other individuals acting on their behalf, respective predecessors, successors, or any affiliates of the foregoing.

EE. “Social Media” shall mean any Website or any other form of electronic communication through which users share information, personal messages, and other written, audio, visual, or video content (e.g. Facebook, Flickr, Instagram, LinkedIn, Pinterest, Quora, Reddit, Snapchat, Tumblr, Twitter, Vine, YouTube, etc.) as well as any e-mail, text messaging, and videotelephony systems.

FF. “Targeted Marketing” means Advertisement efforts and resources JUUL aimed at a group of customers or potential customers who constitute a subset of the total market for JUUL.

GG. “Unauthorized Reseller” means any retailer of JUUL products that is not an Authorized Reseller.

HH. “Veratad” means Veratad Technologies and any of its predecessors and/or successors.

II. “Youth” shall mean any natural person under the age of 21.

JJ. The singular includes the plural and vice versa, and a verb tense includes all other tenses where the clear meaning is not distorted by the addition of another tense or tenses.

I. INSTRUCTIONS

The response to this CID shall be submitted in the following manner:

A. Except where otherwise explicitly indicated, this CID covers the period from January 1, 2015, through the present (the "Relevant Period"). Any Interrogatory or Request for Production of Documents framed in the present tense shall be construed to cover the entire Relevant Period or any part of it.

B. This is a continuing request for information. If, after making its initial response, Respondent obtains, discovers, formulates, or otherwise becomes aware of any further information that is responsive to any one or more of these Interrogatories or Document Requests, Respondent is required to supplement its response(s) and furnish such information as soon as such information becomes available.

C. For the purposes of reading, interpreting, or construing the scope of the Interrogatories and Document Requests, the terms used shall be given their most expansive and inclusive interpretation.

D. Unless instructed otherwise, each Interrogatory and Document request shall be construed independently and not by reference to any other Interrogatory or Document request for the purpose of limitation.

E. Documents provided shall be complete and, unless privileged, shall be unredacted, produced as maintained in the ordinary course of business in the company's files (*e.g.*, Documents that in their original condition were stapled, clipped or otherwise fastened together or maintained in separate file folders shall be produced in such form; attachments produced following the parent e-mail). You may submit photocopies (with color photocopies where necessary to interpret the Document), in lieu of original Documents, provided that such copies

are true, correct and complete copies of the original Documents.

F. Documents should be produced as they are maintained in the normal course of business, and should be labeled or organized in accordance with the requests to which they are responsive.

G. Each page of each Document submitted shall contain a unique identifying number that also contains a uniform alphabetic prefix identifying You. All boxes, folders or media containing submitted Documents and ESI shall be marked with Your name and the name(s) of the person(s) whose files are contained in that box or folder.

H. Before producing any Documents, you must contact Assistants Attorneys General, Amor C. Rosario, (860) 808-5270 or Jon J. Blake, (860) 808-5400 to arrange a meeting or conference call with the company's personnel who are familiar with the particular ESI and the applications in which it is stored, to explain to the Connecticut Office of the Attorney General ("OAG") representatives the manner in which the ESI is stored, and the types of information that are available in the application. OAG representatives must approve the format and production method for ESI in advance. If responsive ESI resides in databases or applications, the company representative must be prepared to discuss queries or reports that can be run in order to furnish the responsive ESI. Electronic productions must be scanned for and free of viruses. The OAG will return any infected media for replacement, which may affect the timing of the Company's compliance with this Demand.

I. Each document should be produced only once. If you plan to produce Documents and ESI that were previously produced, the current production must be de-duplicated. Please supply an index detailing the Document ID or Bates number for the current production along with every other Document ID or Bates number assigned to all Documents in relation to other

productions. Produce deposition, proceeding, and trial transcripts in condensed or minuscule form, with a word index, and electronically on CD or DVD. The electronic version of the transcripts should be in Live notes PTF (Portable Transcript Format), PCF (Portable Case Format), or Plain Text format.

J. If You are unable to answer or respond fully to any Interrogatory or Document Request, after exercising due diligence to secure information necessary to answer or respond to the fullest extent possible: (a) answer or respond to the extent possible, (b) specify the reason for Your inability to answer or respond in full, and (c) set forth the efforts You made to obtain the requested information.

K. Your Document retention policy should be suspended to prevent the destruction of any Documents that may be relevant to the Department of Consumer Protection's investigation as described in this CID.

L. Documents to be produced include all Documents in Your possession, custody or control, wherever located, including Documents in the possession, custody or control of Your directors, officers, employees, representatives or agents. Without limitation on the term "control," a Document is deemed to be in Your control if You have the right to secure that Document or a copy thereof from another person.

M. If You cannot supply precise information, state Your best estimate or approximation (including Your best approximation of date by reference to other events, when necessary), and designate the response as an estimate or approximation.

N. If You contend that any Interrogatory or Document demanded by this CID is privileged in whole or in part, file with Your response to this CID a statement in writing and under oath and in such statement: (1) identify each such Interrogatory or Document; (2) state its

general subject matter; and (3) state in detail the basis for each claim of privilege made with respect to it. If a claim of privilege is made to only a part of a Document, then in addition to the statement required herein, produce a copy of such Document from which the alleged privileged portion has been redacted, describing the redacted portion and basis for the redaction.

REQUESTS FOR INFORMATION AND DOCUMENTS

In accordance with the requirements set forth in the “Definitions” and “Instructions,”

You are specifically required to respond to the following within the time frame set forth above:

I. Identification of Responder

- (A) Identify the person or individuals answering and/or assisting in answering this Request on Your behalf.
- (B) Identify the individual(s) with the authority to, and best ability to answer questions regarding the subject matters of this Request.

II. Corporate Information

- (A) Identify Your corporate officers, directors, managers, members, partners and board members.
- (B) Identify Any changes in Your corporate structure between 2007 and the present, and explain the significance of the change.
- (C) Identify by name and job title the individual(s) at JUUL responsible for compliance with applicable laws Concerning sales of ENDS products to minors.

III. Promotional Pricing

- (A) Produce All Documents Concerning Your Promotional Pricing Offers, including but not limited to:
 - (1) Your marketing strategy;
 - (2) Consumer demographics and age groups targeted;
 - (3) the reason(s) that JUUL targeted those Consumers; and
 - (4) all specific measures taken to target and limit these Promotional Pricing Offers only to current tobacco using adults over the age of 21 and when those specific measures were implemented.
- (B) For each Consumer demographic or age group targeted for Your Promotional Pricing Offers, Describe when those offers were launched.
- (C) Describe whether and how each of Your Promotional Pricing Offers have changed since they were launched and Produce all Documents Concerning these changes.
- (D) Describe how many Connecticut Consumers purchased JUUL products by participating in each of Your Promotional Pricing Offers.
- (E) Describe how many Consumers in the United States purchased JUUL products by participating in each of Your Promotional Pricing Offers.
- (F) Produce all Documents Concerning Connecticut Consumers who purchased JUUL Products by participating in each of Your Promotional Pricing Offers, including the Consumer’s name, address, and most recent contact information.
- (G) Produce Documents Identifying and Describing whether Consumers who

purchase JUUL Products by participating in each of Your Promotional Pricing Offers are or were:

- (1) current combustible tobacco users;
 - (2) current other tobacco users;
 - (3) current ENDS users;
 - (4) former combustible tobacco users;
 - (5) former other tobacco users;
 - (6) former ENDS users; and/or
 - (7) consumers who have never used combustible tobacco or any other tobacco products.
- (H) Identify whether You required evidence of current combustible tobacco use or other tobacco use by a Consumer in order to take part in any of Your Promotional Pricing Offers, and Produce all Communications and other Documents Concerning Your decision to require or not require such evidence.

IV. **Enterprise Markets Team**

- (A) Describe JUUL's "Enterprise Markets Team," including when it was formed, why it was formed, its purpose, goals, and objectives.
- (B) Produce all Documents Concerning the formation, structure, purpose, staffing, and support of Your Enterprise Markets Team.
- (C) Identify by name, job title and work location/address the individual(s) at JUUL that comprise the Enterprise Markets Team.
- (D) Produce all marketing and sales plans used, considered by, or created by the Enterprise Markets Team and all Communications Concerning such plans.
- (E) Produce all Communications and Documents Concerning the Douglas Roberts interview by CNBC (as reported on March 7, 2019 at <https://www.cnbc.com/2019/03/07/JUUL-e-cigarette-maker-pitches-employers-insurers.html>), including all Communications and Documents related to the decision to consent to the interview, what would be discussed at the interview, the content of the interview and the media coverage and aftermath of the interview.
- (F) Produce all Documents Concerning All quantitative and qualitative (e.g., focus groups) studies used to create the marketing materials, Advertising materials, promotional materials, and/or educational materials used or relied upon by the Enterprise Markets Team.
- (G) Produce all Documents that Your Enterprise Markets Team provided to potential Customers, including but not limited to materials prepared for and/or distributed at conferences.
- (H) Produce all Documents, data and other information that You have communicated or provided to health insurers, health care providers, employers and public sector employers concerning whether JUUL is effective at helping adult smokers stop smoking cigarettes.
- (I) Produce all Documents, data, and other information that You have communicated or provided to health insurers, health care providers, employers and public sector employers, regarding Your application to and/or approval by the FDA as a smoking cessation device or as a modified risk tobacco product.

- (J) Produce all Documents Concerning the training and/or education of Your "Enterprise Markets Team".
- (K) Identify all health plans, health providers, health insurers, employers, and public sector employers, that You have contacted and/or approached, including:
 - (1) Name/identity of primary contact;
 - (2) mailing address, email address, and phone number; and
 - (3) whether they have ever sold JUUL products directly to customers/employees or have entered into any agreement with You to provide JUUL to their customers/employees.
- (L) Produce All Documents Concerning All Communications with all health plans, health providers, health insurers, employers, and public sector employers that have been contacted and/or approached by You.
- (M) Produce All Documents Concerning All contracts, agreements, or memoranda of understanding that You have entered into with all health plans, health providers, health insurers, employers, and public sector employers that have been contacted and/or approached by You relating to JUUL Products.
- (N) Produce all Communications and Documents Concerning the design and marketing of any program that JUUL has created, used, recommended, or endorsed to help smokers switch from combustible cigarettes to e-cigarettes.
- (O) Produce all Communications and Documents Concerning the development of "mobile health-based intervention" as used in the job posting for "Director, Behavioral Epidemiology."

HEREOF FAIL NOT UNDER PENALTY OF LAW.

Dated at Hartford, Connecticut, this 29th day of, JULY 2019.


MICHELLE H. SEAGULL
COMMISSIONER OF CONSUMER PROTECTION

STATE OF CONNECTICUT
BEFORE THE COMMISSIONER OF CONSUMER PROTECTION
INVESTIGATIVE DEMAND

OATH

Personally appeared, _____, who, being duly sworn deposes and says that the answers to the Interrogatories and Document requests attached hereto and contained in the Investigative Demand issued to **JUUL Labs, Inc.** are accurate to the best of my knowledge and belief.

Name:
Title:

Subscribed and sworn to me this _____ day of _____, 2019.

Notary Public/ Commissioner of Superior Court